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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,564

04/04/2007

Ofer Beniamin

27651U

5578

20529

7590

08/28/2008

NATH & ASSOCIATES  
112 South West Street  
Alexandria, VA 22314

EXAMINER

HARTMANN, GARY S

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

08/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,564	<b>Applicant(s)</b> BENIAMIN ET AL.	
	<b>Examiner</b> Gary Hartmann	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 21-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11-13, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Blevins (U.S. Patent 6,206,608).

Blevins discloses a device including a tire attaching member (20, 30), an elongated flexible member (10) and an arresting means (5) arranged to interfere with vehicle motion in the manner claimed (Figures 6A – 6E).

Regarding claims 19 and 20, the chains of Blevins form a steel net (Figure 1, for example).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blevins, as applied above.

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Regarding claims 9 and 10, there appears to be a single rod; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a plurality of bars as needed in order to facilitate compact storage, for example. Note that this is simply making a unitary structure from a plurality of pieces, which cannot patentably distinguish an apparatus.

Regarding claim 14, the rigid member is flat, but is a base and not a housing. The examiner takes official notice that it is known to use a housing with a spiked device in order to prevent injury to one who handles the device. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a housing with Blevins. The base of Blevins does not appear to have a sloping surface. It is well known to use a sloping surface with roadway devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have configured Blevins in this manner (beveled edge, for example) in order to suit a particular application.

Regarding claim 18, the examiner takes official notice that it is known to use a strip of sticky material in order to attach a vehicle disabling device to a tire. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an adhesive with Blevins in order to best suit a particular application.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blevins as applied above, and further in view of Shackelford et al. (U.S. Patent 7,201,531).

Shackelford teaches a housing (32) having spikes therein and a sloped surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

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used the housing of Shackelford with the device of Blevins in order to obtain a device which may be driven over without damage to a non-target vehicle, as taught by Shackelford.

Shackelford teaches the foldable spikes (Figures 5a and 5b, for example). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the spikes of Shackelford with the device of Blevins in order to suit a particular application.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary Hartmann/  
Primary Examiner, Art Unit 3671